

21 C.J.S. Courts § 171

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Courts

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V. Rules of Practice and Procedure

B. Operation and Effect of Court Rules

§ 171. Construction of court rules

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Courts](#) 85(2), 85(3)

The construction of court rules is for the court which promulgated them, and while comments to court rules are not binding, they may be used as an aid when interpreting the meaning of the rules.

When interpreting a court rule, the rule's language governs if it is clear and unambiguous.¹ An appellate court construes rules to effectuate the intent of the drafters,² and court rules are to be construed so as to avoid unreasonable or absurd results.³ If a rule is clear on its face, there is no need for interpretation because the plain language of the rule is the best indicator of the drafters' intent.⁴

As with statutes, courts interpret the civil rules in accordance with their plain language⁵ and meaning,⁶ particularly if the rule is unambiguous⁷ or if the disputed term in a rule is undefined by that rule.⁸

The court must construe the text of the rule so that no part is rendered inoperative or superfluous.⁹ The court gives effect to the entire procedural rule, neither adding nor deleting words in order to give it a meaning that is not otherwise evident by the words actually used.¹⁰ Furthermore, the court reads the language of a court rule in context with related provisions so as to give sense to the court rules as a whole.¹¹ In some jurisdictions, when state courts have not definitively construed one of the rules of the state rules of evidence, it is appropriate for a court to look to decisions from other jurisdictions and commentators that have interpreted and discussed similar rules of evidence.¹²

Rules of court are to be construed by the court that promulgated them.¹³ Once a supreme court has interpreted its rules, that interpretation becomes a part of the rule itself.¹⁴ The appellate and circuit courts of a state must enforce and abide by the rules

of the state supreme court.¹⁵ The appellate court reviews de novo the construction of court rules.¹⁶ When a state procedural rule parallels a federal rule, the court may look to the analysis of the federal rule for persuasive guidance when an issue has not been squarely addressed by the state.¹⁷

If the text of court rules is ambiguous, court can turn to extrinsic evidence, including committee reports, for guidance.¹⁸ Although comments to court rules are not binding, they may be used as an aid when interpreting the meaning of the rules¹⁹ but cannot change the plain meaning of a rule.²⁰ Thus, if there is a conflict between a rule and a statement contained in a comment, the rule must govern.²¹

CUMULATIVE SUPPLEMENT

Cases:

If language of a court rule is unambiguous, the Supreme Court must apply it without resorting to other tools of construction. *Colorado Judicial Department, Eighteenth Judicial District v. Colorado Judicial Department Personnel Board of Review*, 2022 CO 52, 519 P.3d 1035 (Colo. 2022).

When interpreting the Rules of Evidence, a court first looks at the plain language of the rule. *State v. Pauli*, 979 N.W.2d 39 (Minn. 2022).

If the Supreme Court's intent is clear based solely on the plain and ordinary language of the rule, the Supreme Court adopts the plain and ordinary meaning of the rule without resorting to other methods of construction. *State ex rel. Vacation Management Solutions, LLC v. Moriarty*, 610 S.W.3d 700 (Mo. 2020).

Supreme Court applies its established methods of statutory construction and looks to the language of the rule to determine its meaning. *Kershaw v. Finnson*, 2022 ND 165, 980 N.W.2d 40 (N.D. 2022).

The usual method of statutory interpretation is applied to interpret the rules of civil procedure, with the goal of discerning the intent of the body that adopted the rule, by looking to the text, context, and any helpful legislative history. *Dahlton v. Kyser*, 370 Or. 34, 513 P.3d 598 (2022).

In construing a rule of procedure, courts may consult the explanatory comment of the committee which worked on the rule in determining the proper construction and application thereof.  *Commonwealth v. Harth*, 252 A.3d 600 (Pa. 2021).

Plain language of a court rule is not read in isolation but in context, considering related provisions, and in light of the statutory or rule-making scheme as a whole. *Stout v. Felix*, 493 P.3d 1170 (Wash. 2021).

[END OF SUPPLEMENT]

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Footnotes

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Ariz.— *American Asphalt & Grading Co. v. CMX, L.L.C.*, 227 Ariz. 117, 253 P.3d 1240 (2011).

- 2 Ariz.—Alejandro v. Harrison, 223 Ariz. 21, 219 P.3d 231 (Ct. App. Div. 1 2009).
- 3 Ill.—In re L.Z., 2016-Ohio-1337, 2016 WL 1242967 (Ohio Ct. App. 5th Dist. Licking County 2016).
- 4 Ariz.—Alejandro v. Harrison, 223 Ariz. 21, 219 P.3d 231 (Ct. App. Div. 1 2009).
- 5 Ky.—Hazard Coal Corp. v. Knight, 325 S.W.3d 290 (Ky. 2010).
- N.H.—Lillie-Putz Trust v. DownEast Energy Corp., 160 N.H. 716, 8 A.3d 65 (2010).
- N.J.— Hopewell Valley Citizens' Group, Inc. v. Berwind Property Group Development Co., L.P., 204 N.J. 569, 10 A.3d 211 (2011).
- Or.—State v. Lazarides, 358 Or. 728, 2016 WL 852889 (2016).
- Vt.— In re Obregon, 2016 VT 32, 2016 WL 932912 (Vt. 2016).
- 6 Utah—In re Discipline of Brussow, 2012 UT 53, 286 P.3d 1246 (Utah 2012).
- 7 Ark.—Jones v. Turner, 2009 Ark. 545, 354 S.W.3d 57 (2009).
- Mo.—In re Hess, 406 S.W.3d 37 (Mo. 2013).
- 8 Fla.— De La Osa v. Wells Fargo Bank, N.A., 2016 WL 517466 (Fla. 3d DCA 2016).
- Or.—State v. Lazarides, 358 Or. 728, 2016 WL 852889 (2016).
- 9 U.S.— Credit Suisse Securities (USA) LLC v. Tracy, 812 F.3d 249 (2d Cir. 2016).
- 10 Md.— State v. Taylor, 431 Md. 615, 66 A.3d 698 (2013).
- 11 N.J.—Robertelli v. New Jersey Office of Atty. Ethics, 2016 WL 1562806 (N.J. 2016).
- 12 Utah—TWN, Inc. v. Michel, 2006 UT App 70, 131 P.3d 882 (Utah Ct. App. 2006).
- 13 Ala.— Ex parte Haynes Downard Andra & Jones, LLP, 924 So. 2d 687 (Ala. 2005), as modified on denial of reh'g, (Sept. 30, 2005).
- Effective date**
- It is solely within the discretion of the supreme court to determine the effective date of a rule of procedure not affecting substantive rights.
- N.D.— In re T.F., 2004 ND 126, 681 N.W.2d 786 (N.D. 2004).
- 14 Ark.—Arnold v. Camden News Pub. Co., 353 Ark. 522, 110 S.W.3d 268 (2003).
- 15 Ill.— People v. Lyles, 217 Ill. 2d 210, 298 Ill. Dec. 752, 840 N.E.2d 1187 (2005).
- 16 Wash.— Quality Rock Products, Inc. v. Thurston County, 126 Wash. App. 250, 108 P.3d 805 (Div. 2 2005).
- 17 Wash.—Farmers Ins. Exch. v. Dietz, 121 Wash. App. 97, 87 P.3d 769 (Div. 1 2004).
- 18 N.J.—Robertelli v. New Jersey Office of Atty. Ethics, 2016 WL 1562806 (N.J. 2016).

19 Minn.— [Hohenwald v. State, 875 N.W.2d 843 \(Minn. 2016\).](#)

Advisory comments to Rules of Criminal Procedure are not binding
Pa.—[Com. v. Lockridge, 570 Pa. 510, 810 A.2d 1191 \(2002\).](#)

20 Ariz.— [State v. Aguilar, 209 Ariz. 40, 97 P.3d 865 \(2004\).](#)

Pa.— [Taylor v. Oxford Land, Inc., 338 Pa. Super. 609, 488 A.2d 59 \(1985\), order aff'd, 513 Pa. 34, 518 A.2d 808 \(1986\).](#)

Reporter's notes

Reporter's notes to evidence rules do not have the force of law, and thus, when the notes and rules conflict, the rules govern.

N.H.—[State v. Cogliano, 146 N.H. 603, 777 A.2d 867 \(2001\).](#)

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